

REMARKS

Claims remaining in the present application are numbered 1-21. Claim 2 and Claim 16 have been amended for informalities. Similarly Claims 1, 8, 15, 20 and 21 have been amended for transposition errors from the original claims submitted. No new material has been added.

Drawings

Applicants respectfully submit attached formal drawings for Figures 1-4. Applicant present that the formal drawings do not introduce new matter. Applicants present that submitted formal drawings remedy the non-acceptance of margins.

Claim Rejections - 35 U.S.C. § 112

Claims 1, 8 and 15 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement.

Claims 1, 8 and 15 have been amended and corrected to reflect original content. The word “unforced” has been removed from these claims. The objectionable phrase in the claims have been amended as follows:

“detecting ~~an unforced collision~~ a collision of a data packet”.

The Applicants respectfully submit that amended claims 1, 8 and 15 are in compliance under 35 U.S.C. § 112, first paragraph.

Claim Rejections - 35 U.S.C. § 103

Claims 1-21 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Krishna et al. (U.S. Patent Number 5,822,538) and further in view of Brown (U.S. Patent Number 5,268,899).

The rejection is respectfully traversed for the reasons below. It is respectfully submitted that Claims 1 is patentable over Krishna et al.

Currently amended Claim 1 recites:

A method for providing priority to a peripheral component by means of said peripheral component in a congested network, said method comprising the steps of:

- (a) detecting a collision of a data packet during transmission of said data packet by a peripheral component coupled to a network;
- (b) determining a restricted back off time, wherein said restricted back off time is substantially equal to or less than a restricted time value and is produced by a random generator function; and
- (c) causing said peripheral component to wait said restricted back off time before trying to retransmit said data packet over said network.

Currently amended Claim 1 recites in part,

“A method for providing priority to a peripheral component by  
means of said peripheral component (emphasis added) in a  
congested network.”

Applicants respectfully submit that Krishna et al. does not teach nor suggest that,

“A method for providing priority to a peripheral component by  
means of said peripheral component (emphasis added) in a  
congested network.”

It is apparent to Applicants that Krishna et al. does not teach nor suggest that priority for a peripheral component in a congested network system is provided by that peripheral component. Since Applicants traverse that independent Claim 1 is not taught nor suggested in Krishna et al., Applicants respectfully present that dependent Claims 2-7 are also traversed by the above rational.

The traverse of Claim 8 is similar to that of Claim 1. Currently amended Claim 8 recites:

A computer system comprising:  
a processor;  
an addressable data bus coupled to said processor;  
a peripheral component coupled to communicate with said processor, wherein said peripheral component is for performing a method for providing priority to said peripheral component coupled to a network, said method comprising the steps of:  
(a) detecting a collision of a data packet during transmission of said data packet by said peripheral component;  
(b) determining a restricted back off time, wherein said restricted back off time is substantially equal to or less than a restricted time value and is produced by a random generator function ; and  
(c) causing said peripheral component to wait said restricted back off time before trying to retransmit said data packet over said network.

Currently amended Claim 8 recites in part,

“a peripheral component coupled to communicate with said processor, wherein said **peripheral component is for performing a method for providing priority to said peripheral component** (emphasis added) coupled to a network”.

Applicants respectfully submit that Krishna et al. does not teach nor suggest that, “a peripheral component coupled to communicate with said processor, wherein said **peripheral component is for performing a method for providing priority to said peripheral component** (emphasis added) coupled to a network”.

Since Applicants traverse that independent Claims 8 is not taught nor suggested in Krishna et al., Applicants respectfully present that dependant Claims 9-14 are also traversed by the above rational.

The traverse of Claim 15 is similar to that of Claim 1. Currently amended Claim 15 recites:

A computer readable medium having computer readable code embodied therein for causing a peripheral component to perform the steps of:

- (a) detecting a collision of a data packet during transmission of said data packet by said peripheral component coupled to a network;
- (b) determining a restricted back off time, wherein said restricted back off time is substantially equal to or less than a restricted time value and is produced by a random generator function ; and
- (c) causing said peripheral component to wait said restricted back off time before trying to retransmit said data packet over said network.

Currently amended Claim 15 recites in part,

“A computer readable medium having computer readable code embodied therein for causing a peripheral component to perform the steps of (emphasis added):

- (a) detecting .... ;
- (b) determining .... ; and
- (c) causing ....”

Applicants respectfully submit that Krishna et al. does not teach nor suggest that,

“A computer readable medium having computer readable code embodied therein for causing a peripheral component to perform the steps of (emphasis added):

- (a) detecting .... ;
- (b) determining .... ; and
- (c) causing ....”

Since Applicants traverse that independent Claims 15 is not taught nor suggested in Krishna et al., Applicants respectfully present that dependant Claims 16-21 are also traversed by the above rational.

Applicants respectfully present that it is apparent that Brown teaches a novel means for generating pseudo-random numbers. Regardless of the means for generating random or pseudo-random numbers, the Applicants respectfully present that the method or means for generating random numbers in the present application is

irrelevant to the application. Applicants respectfully assert that Krishna and Brown, alone or in combination, fail to teach or suggest the claimed limitation recited in part by Claim 1 of;

“A method for providing priority to a peripheral component by means of said peripheral component (emphasis added) in a congested network.”

or recited in part by Claim 8;

“a peripheral component coupled to communicate with said processor, wherein said peripheral component is for performing a method for providing priority to said peripheral component (emphasis added) coupled to a network”.

or recited in part by Claim 15;

“A computer readable medium having computer readable code embodied therein for causing a peripheral component to perform the steps of (emphasis added):

- (a) detecting .... ;
- (b) determining .... ; and
- (c) causing ....”

Therefore, Claims 1, 8 and 15 are not rendered obvious by Krishna in view of Brown.

### Conclusion

For the above rationale, Applicants respectfully submit that the present invention as claimed is patentable over Krishna in view of Brown under 35 U.S.C. § 103(a). With the afore amended claims, Applicants respectfully submit that the present invention as claimed is patentable over Krishna under 35 U.S.C. § 112. As such, Applicants respectfully request that the objections and rejections of Claims 1-21 be withdrawn and Claims 1-21 be allowed. All cited reliable references and unreliable references have been reviewed for limitations to this application. All cited reliable and unreliable references fail to teach or suggest claimed limitations recited by this application.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case. Should the Examiner have a question regarding the instant response, the Applicants invite the Examiner to contact the Applicants' undersigned representative at the below listed telephone number.

Please charge any additional fees or apply any credits to our PTO deposit account No. 23-0085.

Respectfully submitted,  
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Dated: 2/19, 2005

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AMENDMENTS TO THE FIGURES

Applicants respectfully submit attached formal drawings for Figures 1-4.

Applicant present that the formal drawings do not introduce new matter. Applicants present that submitted formal drawings remedy the non-acceptance of margins.